

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
HARRISBURG DIVISION

IN RE:)	
WARREN A. ROYEA, SR.)	
GAIL M. ROYEA)	Case No.: 1:08-02603 (MDF)
<u>Debtor(s)</u>)	
)	Chapter 13
WELLS FARGO AUTO FINANCE)	Previous Chapter 7
<u>Movant</u>)	
vs.)	Docket No.
)	
WARREN A. ROYEA, SR.)	11 U.S.C. 362
GAIL M. ROYEA)	
CRYSTAL D. ROYEA)	11 U.S.C. 1301
<u>Respondent(s)</u>)	
)	
CHARLES J. DEHART, III)	
<u>Trustee</u>)	

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. 362
AND CO-DEBTOR STAY UNDER 11 U.S.C. 1301 FILED ON BEHALF OF
WELLS FARGO AUTO FINANCE**

1. A Chapter 7 petition was filed on July 24, 2008. The case converted to a chapter 13 case on September 12, 2008.
2. Relief from the automatic stay and co-debtor stay is requested with respect to personal property described as a 2003 Hyundai Accent bearing vehicle identification number KMHCG45C23U478304.
3. On June 12, 2006, the debtor(s) and the non-bankrupt co-debtor, Crystal D. Royea entered into a retail installment sales contract for the purchase of a 2003 Hyundai Accent more particularly described in the following paragraph. The contract was assigned to Wells Fargo Financial and the debtor(s) became indebted to Wells Fargo in accordance with the terms of same. To secure payment of the contract, the debtors caused the title to the vehicle to be delivered to Wells Fargo. As a result, Wells Fargo Financial is the holder of a first purchase money security interest encumbering the vehicle. True copies of the contract and title to the vehicle are annexed hereto as **Exhibits A and B**.
4. The following information sets forth the make, model and serial number of the vehicle, the terms of the contract, the average retail value of the vehicle and the current status of the debtor's loan:
 - A. Make, model and serial number of motor vehicle:
 1. 2003 Hyundai Accent
 2. KMHCG45C23U478304

- B. Original Contract terms:
1. Total of payments: \$10500.00
 2. Term: 60 months
 3. Monthly payments: \$175.00
 4. First payment due: 7-27-06
- C. Value of Vehicle:
1. Average Retail Value: \$4000*
- *Value derived from NADA Official Used Car Guide, October 2008 edition.**
- D. Delinquency Status: The debtors' account is delinquent from April 27, 2008 to September 27, 2008 with arrears in the amount of \$1,050.00.
5. Wells Fargo Auto Finance requests relief from the automatic stay and co-debtor stay for the following reasons:
- A. The debtors are failing to make payments under the terms of the retail installment sales contract and are failing to provide Wells Fargo with adequate protection.
 - B. The debtors have no equity in the vehicle, and do not need the vehicle to reorganize, since it is in the possession of the non-bankrupt co-debtor. Therefore, Wells Fargo is entitled to stay relief under §362(d)(2)(A) and (B).
 - C. Since the debtors are failing to make payments under the contract, Wells Fargo is also entitled to co-debtor stay relief as to the non-bankrupt co-debtor, Crystal D. Royea pursuant to 11 U.S.C. 1301.

WHEREFORE, Movant prays that the Court grant the relief requested and issue the attached proposed order.

Date: 10/17/08

/s/ William E. Craig
By: William E. Craig
The Law Office of John R. Morton, Jr.
110 Marter Ave., Suite 301
Moorestown, NJ 08057
(856) 866-0100
Attorney I.D. 92329, Pennsylvania